

REMARKS

Claims 1-15 are pending in this application. Claims 1-15 are rejected. Claims 1, 4, 5, 7, 9, 11, 12, and 14 are amended; claims 3, 8, 10, and 15 are canceled (claims 16-25 were previously canceled); and claims 26-27 are added hereby.

In the specification on page 6, line 1, Applicants have amended chuck pins to be reference number 56, which is consistent with Fig. 3 and the identification of chuck grooves as being reference number 58.

Responsive to the rejection of claims 1-3 and 5 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent Application Publication No. US 2003/0212402 (White et al.) and to the rejection of claims 1-8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,817,096 (Salyer) in view of White et al., Applicants have amended claims 1 and 7, at least partially included the limitations of claims 3 and 8 in claim 1, and canceled claims 3 and 8. Accordingly, Applicants submit that claim 1, and claims 2 and 4-7 depending therefrom, are now in condition for allowance.

White et al. discloses a rotary surgical reamer assembly 10 for removing bone and tissue from a joint to facilitate the installation of a prosthetic device. Assembly 10 includes a hollow reamer body 15 having cutting sites 35 and a base portion 25, a shaft 45 connected to a first pivoting member 55 which is connected to base portion 25, an interface 50 for connecting with a rotary source of power, a slidable sleeve 80, detent stops 96 and 97, and a linkage 85 connected to sleeve 80 and base portion 25 (Figs. 1-6).

Salyer discloses a reamer driver 10 including shaft 12 coupled with a base 18. Arms 22 radially extend from base 18 to detachably couple with reamer 24. A rod 38 forming part of reamer driver 10 is telescopingly coupled with shaft 12 of reamer driver 10. Base 18 is immovably coupled with the distal end of rod 38. Shaft 12, rod 38, and an actuator 74 are each

connected together by a pair of pins 92 and 94 positioned in slots 82, 84, and 86 (column 4, lines 8-10)(Figs. 5-6). Actuator 74 has slots 84 and 86 (column 3, line 67, column 4, lines 1-3).

In contrast, claim 1, as amended, recites in part “at least one rod which folds said driver head, said at least one rod including a first end and a second end, said first end connected to said driver head, said second end connected to said shaft, said shaft including a peripheral surface and defining at least one longitudinal groove in said peripheral surface, and at least a part of said rod lies moveably within said at least one longitudinal groove.” (Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by White et al. and Salyer, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

White et al. discloses linkage 85 coupling with shaft 45 via sleeve 80 but standing off the surface of shaft 45. White et al, thus, fails to disclose at least a part of a rod, which folds a driver head, lying moveably within at least one longitudinal groove on a peripheral surface of a shaft. While Salyer discloses an actuator 74 having a slot 84 extending axially of actuator 74, Salyer fails to disclose a shaft including a longitudinal groove in the peripheral surface of the shaft. Moreover, Salyer fails to disclose at least a part of a rod, which folds a driver head, lying moveably within at least one longitudinal groove on a peripheral surface of the shaft.

An advantage of the present invention is that the insertion position does not include a protruding linkage member opposing the underside of the reamer. Thus, the present invention provides for a small reamer insertion profile.

For the foregoing reasons, Applicants submit that claim 1, and claims 2 and 4-7 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 9-12 under 35 U.S.C. § 102(e) as being unpatentable over White et al. and to the rejection of 9-15 under 35 U.S.C. § 103(a) as being unpatentable over

Salyer in view of White et al., Applicants have amended claims 9 and 14, at least partially included the limitations of 10 and 15 in claim 9, and canceled claims 10 and 15. Accordingly, Applicants submit that claim 9, and claims 11-14 depending therefrom, are now in condition for allowance.

White et al. is discussed above.

Salyer is discussed above.

In contrast, claim 9, as amended, recites in part “at least one rod which folds said driver head, said at least one rod including a first end and a second end, said first end connected to said driver head, said second end connected to said shaft, said shaft including a peripheral surface and defining at least one longitudinal groove in said peripheral surface, and at least a part of said rod lies moveably within said at least one longitudinal groove.” (Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by White et al. and Salyer, or any of the other cited references, alone or in combination, and includes distinct advantages therover.

White et al. discloses linkage 85 coupling with shaft 45 via sleeve 80 but standing off the surface of shaft 45. White et al, thus, fails to disclose at least a part of a rod, which folds a driver head, lying moveably within at least one longitudinal groove on a peripheral surface of a shaft. While Salyer discloses an actuator 74 having a slot 84 extending axially of actuator 74, Salyer fails to disclose a shaft including a longitudinal groove in the peripheral surface of the shaft. Moreover, Salyer fails to disclose at least a part of a rod, which folds a driver head, lying moveably within at least one longitudinal groove on a peripheral surface of the shaft.

An advantage of the present invention is that the insertion position does not include a protruding linkage member opposing the underside of the reamer. Thus, the present invention provides for a small reamer insertion profile.

For the foregoing reasons, Applicants submit that claim 9, and claims 11-14 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Claims 26-27 have been added to further protect the patentable subject matter of the present invention. Claim 26 recites in part “said distal end includes a third end, a fourth end opposing said third end, and a single pivot axis, said third and fourth ends being generally parallel to each other, said single pivot axis disposed between said third and said fourth ends, said driver head disposed between and pivotally coupled with said third and fourth ends along said single pivot axis.” None of the prior art references, alone or in combination, disclose or suggest this patentable feature. Claim 27 recites in part “said distal end includes a third end, a fourth end opposing said third end, and a single pivot axis, said third and fourth ends being generally parallel to each other, said single pivot axis disposed between said third and said fourth ends, said driver head disposed between and pivotally coupled with said third and fourth ends along said single pivot axis.” None of the prior art references, alone or in combination, disclose or suggest this patentable feature.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095,
TAYLOR & AUST, P.C.

PATENT
Reply under 37 CFR 1.116
EXPEDITED PROCEDURE
Group 3733

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,

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SUBMITTED DRAWINGS

Drawings that are being submitted include a Replacement Sheet and an Annotated Sheet, as indicated on the pages that follow.

Annotated Sheet

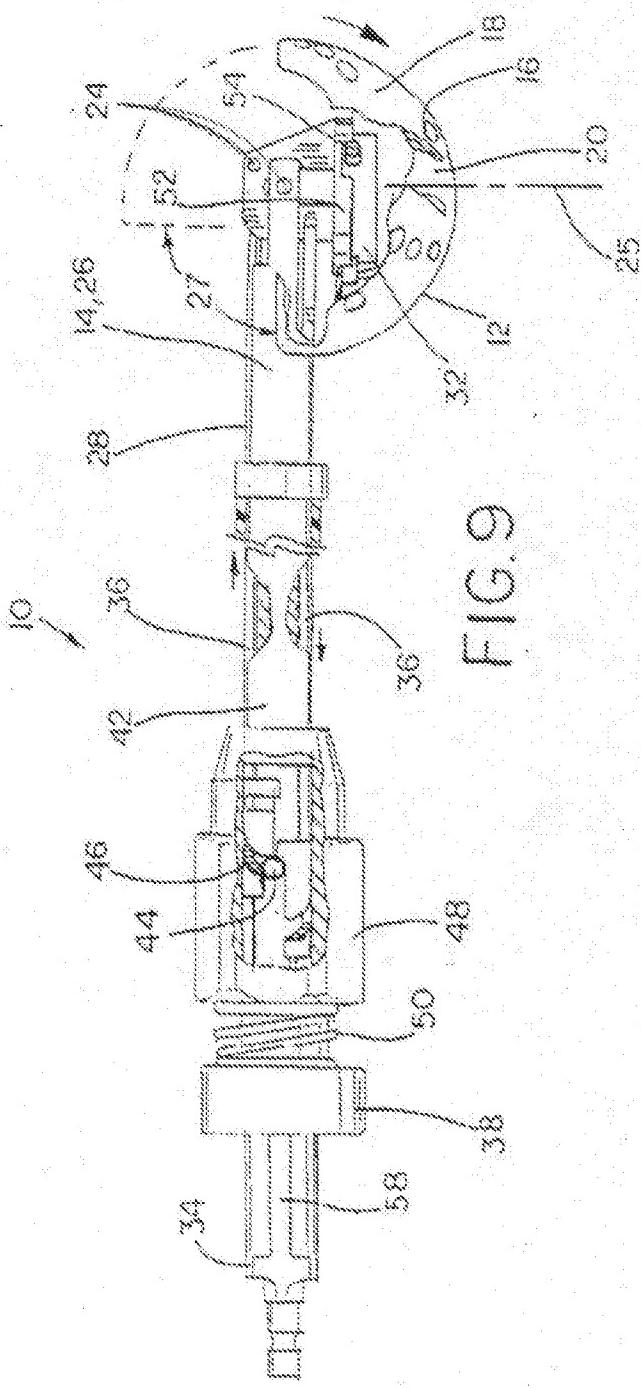


FIG. 9